RECORD OF DECISION
FREDS FIRE REFORESTATION PROJECT
U.S. FOREST SERVICE
ELDORADO NATIONAL FOREST
PLACERVILLE AND PACIFIC RANGER DISTRICTS
EL DORADO COUNTY, CALIFORNIA

DECISION

Based on my review of the Final Environmental Impact Statement (FEIS), I have decided to implement Alternative 1, which includes planting trees, controlling competing vegetation (shrubs and grasses) before and after planting trees, and masticating shrubs to reduce surface and ladder fuels. Alternative 1 includes application of herbicides to eliminate invasive plants as well as numerous resource protection measures. The resource protection measures described in Chapter 2 of the FEIS (pages 26 to 32) will be fully incorporated into project implementation. In addition, monitoring is included as an integral part of this project, and will be carried out as described in Chapter 2 (page 36) and Appendix C of the FEIS. All practicable means of avoiding or minimizing environmental harm have been adopted (40 CFR 1505.2(c)) for this project, as described in the FEIS.

Prior to making my decision, I reviewed the purpose and need, proposed action, alternatives, and environmental consequences. I have carefully reviewed all of the arguments and evidence that support or oppose the use of herbicides for this project. This includes all of the public comments received during scoping, public meetings, comments received on the Draft EIS, the scientific basis described in the FEIS, results of other projects that have used herbicides on the Eldorado National Forest, and my own understanding of the field conditions in the project area. Scientific findings continue to support the effects of climate change in the environment, although there are others who believe that recent climate changes are a consequence of long-term cyclical weather patterns. I believe Alternative 1 provides the best forest restoration benefits that will increase the landscape's overall resiliency to natural and human source threats and pressures. The analysis in the FEIS thoroughly displays all expected effects, and indicates that the specific herbicides analyzed are environmentally appropriate as proposed for use.

I have concluded that the use of herbicides is essential to meet the resource management objectives for the Freds Fire area. If herbicides are not used, the recovery of forest values will be substantially delayed in the project area, thus leaving it more vulnerable to the effects of wildfire for a longer period. Consequently, there would be a potential loss of habitat for mature-forest dependent wildlife, prolonged threats to human life and property in the nearby Town of Kyburz, and increased risk of adverse effects to natural and cultural resources from wildfire.

BACKGROUND

A detailed explanation of the purpose and need for this project can be found in the FEIS (pages 11 to 17). The primary purpose of the project is to further the restoration of the area impacted by the Freds Fire of 2004. Without additional treatment to restore the fire area, additional impacts are likely over the short and long term. While this project is only one step in achieving these desired future conditions, it is a crucial one.

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160 acres that burned at high intensity. An additional 840 acres that burned at low or moderate intensity are adequately stocked and will not be reforested.

Alternative 1 will move the project area from its existing condition toward the desired future conditions as defined in the Sierra Nevada Forest Plan Amendment (FEIS, pages 2-3). Reforestation proposed in Alternative 1 meets the Sierra Nevada Forest Plan Amendment Supplemental EIS Record of Decision (2004) direction to "restore species composition and structure following large-scale, stand-replacing disturbance events" (SNFPA, page 31) and to "accelerate the development of key habitat and old forest characteristics." (SNFPA, page 49)

The need to move this project area toward a diverse conifer forest composition and structure at the accelerated rate directed in the Forest Plan, as amended, is affected by the choice between herbicide use and alternative methods to ensure seedling survival and enhance growth. Based on the site-specific analysis described in this FEIS, herbicide treatments are essential to meet management objectives of conifer survival and growth with the intensive vegetative competition that exists in the project area. Herbicides are essential for effective release of conifers where bearclover, manzanita, deerbrush, whitethorn, chinquapin, bitter cherry, and grasses are the major competing plants. Although other methods, such as hand cutting, can be effective on certain species, these methods are not efficient, and as a result, not as economic. Manual and mechanical methods simply do not control vegetation as well as herbicides.

Overall, herbicides are the most effective and economical means to control competing vegetation levels to ensure seedling survival and enhance growth. Alternative 1 will meet these needs for the lowest cost of the action alternatives.

Under Alternative 2 no additional reforestation or controlling of competing vegetation would be imple

development of key habitat and old forest characteristics.

- **There is a need to reduce short-term fuels loading for the purpose of reducing the intensity and severity of future fires.**

As a result of the Freds Fire, surface fuel loading was reduced to very low levels in areas where the fire intensity was moderate to high. However, the ensuing establishment of brush cover over large areas would increase the ability of wildland fires to become large in the future.

Alternative 1 best meets this need by reducing competing vegetation (fuels) in conjunction with reforestation treatments. Reducing fuels early, while they are small and have low biomass is the most effective way to change the fuels arrangement and reduce the intensity and severity of a future fire (FEIS, page 16).

Over the short-term, predicted flame lengths and fire sizes are similar under all the alternatives. The effects of Alternative 1 will be apparent in the longer term (25+ years), when flame lengths are maintained at lower heights, fire sizes are smaller and the probability of tree mortality from wildfire is decreased.

Alternative 1 will create a mosaic of fuel profiles in the project area. Areas treated with herbicides will be maintained into the future (25+ years) in grass and grass/shrub fuel models with lower flame lengths than the other alternatives. While these fuel models have a greater spread rate, the resistance to control is conversely less, meaning that fires are able to be controlled at a small size. These fuel models also show a greater reaction to live fuel moisture,

will continue to naturally increase with brush growth. Under Alternative 2 a fuel complex with rapid rates of spread and little resistance to control would develop over a period of 25 years into a fuel complex with rapid rates of spread and a higher resistance to control. This fuel complex would make the deployment of suppression resources on ridgetops dangerous and ineffective. It would also decrease the effectiveness of suppression resources behind the town of Kyburz, putting this community at risk.

This would leave the American River Canyon in a condition that would support another catastrophic fire in the future. Given the probability of occurrence and the fire return interval, another stand replacing fire would be likely within 25 years.

Under Alternative 3 manual grubbing around each seedling would have little, if any, effect on the fuels and their development over time. Changes to fuels from hand grubbing would be discontinuous and over such a small percentage of the area that these treatments would not change fire behavior substantially. The period of vulnerability to high intensity wildfire and the consequences of such a wildfire over the project area under Alternative 3 would be similar to Alternative 2.

- **There is a need to restore spotted owl travel corridors between spotted owl protected activity centers (PACS).**

The Freds Fire burned at high and moderate severity in over 70 percent of the project area. This resulted in high levels of tree mortality destroying habitat for spotted owls. Currently early seral vegetation exists in the project area, which hinders spotted owl movement between protected activity centers (PACs). Restoring linkages between neighboring PACS will allow for owl dispersal, and will include contiguous habitat of larger trees with moderate to high canopy cover where site conditions allow.

Alternative 1 will potentially start to provide foraging habitat for spotted owls sooner than the other alternatives by re-establishing trees and controlling competing vegetation around those trees. Foraging habitat is projected to begin developing within 50 years. Alternative 1 best responds to the Sierra Nevada Forest Plan Amendment Record of Decision (2004) to apply the necessary silvicultural and fuels reduction treatments to accelerate the development of key habitat and old forest characteristics (SNFPA, page 49) in young plantations.

Under Alternatives 2 and 3 the development of foraging habitat would be substantially delayed, requiring over 100 years. In many areas sparse tree densities would result in low canopy closure, further delaying the development of foraging habitat.

- **There is a need to control yellow starthistle and eliminate tall white top in the project area to reduce the potential for spread of noxious weeds to other areas in the forest.**

Two invasive plants are known to occur in the project area; yellow starthistle and tall whitetop. Tall whitetop occurs in one location that occupies less than ¼ acre. Yellow starthistle is established along and outward up to 100 feet from some Forest roads and unnamed trails, occupying 72 gross acres in the project area.

Alternative 1 is the most responsive to this need because it actively treats known invasive plant populations by manual and chemical methods. Alternative 1 best responds to the Sierra Nevada Forest Plan Amendment Record of Decision (2004) goals for invasive plants by including

measures to prevent introduction of new invaders, by treating new infestations early, and by containing and controlling the established infestations over most of the project acres.

Under Alternative 2, no reforestation, fuel treatments, or invasive plant treatments would be implemented. I did not select Alternative 2 because it does not address this need. Alternative 2 would continue to allow invasive plants to spread, limited only by environmental factors.

Alternative 3 would treat invasive plant species by hand pulling, grubbing, or tarping. I did not select Alternative 3 because invasive plant treatments would only be partially successful. While it is estimated that the tall whitetop population could be eliminated because of its small size, hand treatments are not likely to be successful in containing the yellow starthistle infestation because of its size.

I also considered the public comments and the significant issues in making my decision. Alternative 1 is responsive to the public comments and addresses most of the significant issues (FEIS, pages 20-22). These issues are as follows:

Proposed use of herbicide would leave standing dead brush that would pose an immediate fire hazard.

Alternative 1was developed to address multiple needs in the Freds Fire area. One need was to reduce short-term fuel loading for the purpose of reducing the intensity and severity of future fires. Reducing fuels early, while they are small and have low biomass is the most effective way to change the fuels arrangement and reduce the intensity and severity of a future fire (FEIS, page 16).

Alternative 1 will treat brush while it is relatively small, so any contribution to the fuel load of standing dead brush will also be small. Furthermore, these brush skeletons will likely fall over from breakage and/or be crushed by snow during the first or second winter (FEIS, pages 49-50).

Under Alternative 2, no action would be taken to reduce competing vegetation, reduce or eliminate invasive plants, or reduce surface and ladder fuels. No standing dead brush would be created under Alternative 2.

Alternative 3 was created to address this issue. Under Alternative 3 vegetation would be treated by hand grubbing, hand cutting, or mastication. These treatments would not create standing dead brush.

Proposed herbicide use could contaminate water.

Protection of water quality was a key design criterion in the development of Alternative 1. Past water quality monitoring data and the chemical properties of the herbicides were used to determine buffer widths along stream courses. Similar buffer widths (which vary by chemical and stream class) have been used on projects on the Eldorado National Forest, and other National Forests in California, which treated tens of thousands of acres over the last decade, and complied fully with all water quality regulations.

Alternative 1 also contains Best Management Practices, to minimize the chances of any herbicide moving away from the application site and contaminating surface or ground water. (FEIS pages 29-31). The Eldorado National Forest has had extensive experience safely and effectively applying glyphosate, triclopyr, hexazinone, and clopyralid in herbicide projects. Using the results of extensive water monitoring on this Forest, as well as the use of no-spray buffers as described

in the Table 2-4 (FEIS, page 31) the analysis concluded that surface water, ground water, and downstream beneficial uses will be protected under this alternative.

Glyphosate was selected for use near East and West Kyburz Creek, the source of drinking water for the Town of Kyburz, because it tends to bind readily and strongly to soil particles and does not leach through most soil types (FEIS, page 149). Monitoring results in Region 5 over the past 15 years consistently show that glyphosate, when applied by ground application, seldom reaches surface water, even with "no spray" buffer widths as narrow as 10 feet.

While glyphosate may reach East and West Kyburz Creeks under several "worst-case" scenarios" (an accidental spill or a large thunderstorm) there is evidence that suggests that the glyphosate application as proposed still poses a low risk to water quality.

Alternative 2 would result in no contamination of water by herbicides since no action is proposed.

Alternative 3 was created to address this issue. Alternative 3 would result in no contamination of water by herbicides since only hand and mechanical treatments are proposed.

Proposed use of herbicides represents an unknown or unacceptable risk to humans, wildlife, and the environment.

Risks to Humans:

The FEIS assesses the risks to human health (FEIS, pages 91-126, and Appendix D). With the design features of Alternative 1, including the adherence to all appropriate laws and regulations governing the use of pesticides as implementation of Alternative 1 poses a low risk to human health and safety for both workers and the public (FEIS, pages 102-122). The site specific risk assessment (FEIS, Appendix D) uses standard methodology widely accepted by the scientific community, and the most recent toxicological information available. It is based on a full review of existing credible scientific information.

Risks to Wildlife

Effects on wildlife have been thoroughly analyzed in the FEIS and in the Biological Evaluations (BEs). The BEs found that no federally listed Threatened or Endangered species will be affected by Alternative 1. The BEs also determined that Alternative 1 will not cause a trend toward listing of any sensitive species that occur within the project area. Using the project design features, herbicide applications will pose a low overall risk to aquatic and terrestrial species. Accidental spills would result in some risk to surrogate species or their food supply. However, the Best Management Practices in the project design would prevent or reduce the effects of a spill.

Risks to Plants

Effects on sensitive plants have been thoroughly analyzed in the FEIS and in the BE. The BE found that no federally listed Threatened or Endangered species will be affected by Alternative 1. The BE also determined that Alternative 1 will not cause a trend toward listing of any sensitive species that occur within the project area. Using project design features, little or no damage to sensitive plants from herbicide drift or runoff is expected.

Alternative 2 poses no risk to humans, wildlife, or plants from herbicide use.

This issue was addressed in Alternative 3. Treatments under Alternative 3 would not use herbicides; therefore Alternative 3 would result in no risk to humans, wildlife, or plants from herbicide use.

Proposed use of herbicides could create conditions more hospitable to invasive species and undesirable weeds than were present before the chemicals were applied.

Effects on invasive plant spread have been thoroughly analyzed in the FEIS and in the Weed Risk Assessment. The Weed Risk Assessment found that the use of herbicides under Alternative 1 will increase the risk of invasive plant invasion in the short-term. Implementation of mitigation measures near documented infestations will reduce this risk. In the long-term, there will be a reduced risk of invasive plant spread with the establishment of a forested landscape.

Under Alternative 2 the risk of invasive plant spread would be low in the short-term. However, in the longer term, a higher risk of a high severity fire would potentially facilitate plant expansion into open ground.

Alternative 3 was created to address this issue. Under Alternative 3, invasive plants may persist in openings in the short-term but are unlikely to spread due to shrubs dominating the site. In the longer-term, a higher risk of a high severity fire would potentially facilitate plant expansion into open ground.

In summation, I have considered the legislative mandates of the Forest Service, the capability of the ecosystem, the need for protection of resources, social values and concerns, the opinions of other resource management professionals, and public input. I also considered the national, regional, state and local ecosystem management objectives as they relate to this specific area. I believe Alternative 1 is responsive to the public's concern for ecological, resource, social and economic values in that it provides for the accelerated recovery of a forested ecosystem that was substantially reduced by the fire. Within the context of all known issues, the best available science indicates the use of herbicides is essential and practical to meet the resource management objectives of the Freds Fire Reforestation Project. In this regard, important values include improved wildlife habitat over the long-term and improved wildfire management. It poses a low risk to public and worker safety, and water quality will be maintained well within basin water quality objectives. Alternative 1 provides the mix of treatments, I consider most appropriate for recovering a forested ecosystem in this project area. For these reasons, I believe Alternative 1 to have the greatest long-term net benefit to the public and the most long-term benefit to the ecosystem.

PUBLIC INVOLVEMENT

A notice of intent to prepare an EIS was published in the Federal Register on April 13, 2006. The notice of intent included information on the May 9, 2006 public meeting. The proposed action was listed in the Eldorado National Forest Schedule of Proposed Actions and has been updated periodically during the environmental analysis. Approximately 74 letters were mailed out to adjacent property owners; potentially affected businesses; federal, state, and local agencies; and special interest groups. The letters contained the detailed proposed action, map, methods for participation, and an invitation to attend a Freds Fire Reforestation open house, on May 24,

2006. The mailing list is included in the project record. Approximately seven people attended either the public meeting or open house, including local residents and adjacent property owners.

The following issues were identified from scoping comments and were used to determine the scope of the analysis. A full description of issues significant to the proposed action appears in the EIS on pages 21 to 22.

Proposed use of herbicides represents an unknown or unacceptable risk to humans, wildlife, and the environment. This issue was addressed in Alternative 3. Alternative 3 proposes hand planting of conifer seedlings, hand grubbing/cutting of vegetation in a 4-5 foot radius around planted seedlings, hand pulling/cutting/tarping of invasive plants, and mechanical fuel treatments of shrubs after 5 years. Alternative 3 would result in no risk from herbicide use.

Proposed use of herbicide would leave standing dead brush that would pose an immediate fire hazard. This issue was addressed in Alternative 3. Alternative 3 would create no standing dead brush.

Proposed herbicide use could contaminate water. Alternative 3 was created to address this concern. Alternative 3 would result in no contamination of water by herbicides.

Proposed use of herbicides could create conditions more hospitable to invasive species and undesirable weeds than were present before the chemicals were applied. Alternative 3 was created to address this concern. Under Alternative 3, invasive plants may persist in openings in the short-term but are unlikely to spread due to shrubs dominating the site.

A draft environmental impact statement (DEIS) was published for review and comment on September 11, 2009. In response to the Forest's request for comments, the public and other agencies submitted 21 individual letters. The FEIS includes the comments from these letters and the Forest Service response to these comments in Appendix G.

ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered 2 other alternatives, which are discussed below. Alternative 1 is the environmentally preferred alternative. A more detailed comparison of these alternatives can be found in the FEIS on pages *xii* to *xiv*.

Alternative 1 – As described in the FEIS (pages 23 to 32), Alternative 1 consists of reforestation, fuel reduction, and invasive plant treatments to achieve the purpose and need of the project. Alternative 1 uses ground application of five herbicides to treat about 3,320 acres. The herbicides proposed for use (glyphosate, triclopyr, hexazinone, clopyralid, and chlorsulfuron) were specifically selected because they are effective on the types of vegetation found in the project area, and combined with other design features (the location of their proposed use, application method, and streamcourse protection measures), they will ensure the adequate protection of ground and surface water.

Alternative 2 – Under Alternative 2 (No Action), no reforestation, fuel reduction, or invasive plant treatments would be implemented.

Alternative 3 – Alternative 3 proposes hand planting of conifer seedlings, hand grubbing/cutting of vegetation in a 4-5 foot radius around planted seedlings, hand pulling/cutting/tarping of invasive plants, and mechanical fuel treatments of shrubs after 5 years.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

NEPA requires federal agencies to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received during the planning process provided suggestions for alternative methods for achieving the Purpose and Need. Several alternatives were considered, but eliminated from detailed study (FEIS, pages 36-39) for the following reasons:

Aerial application of herbicides: (FEIS, page 37): Some public comments suggested using aerial herbicide application, citing substantially reduced costs, while still protecting the environment. The use of aerial application of herbicides was dropped from detailed consideration for two reasons. First, there is potential for aerial herbicide drifting into non-target areas such as riparian zones. Because of the height of snags that remain across the fire area, application by air would require large no spray zones to protect streams from drift. Secondly, we would not be able to use aerial application in the areas where the project design includes radial spray treatments. These treatments are designed to limit the potential for invasive plant spread. The project design also includes allowing some shrub development interspersed on the landscape during retreatment, which is not practical with aerial application of herbicides.

Goat grazing: (Page 37): A proposal to use goat grazing for controlling invasive plants and competing vegetation for the project was suggested and considered. Goats are not selective on the vegetation they eat. While goats would eat invasive plants and consume competing vegetation, they also readily consumed oak and the conifer species sugar pine and Douglas fir, reducing species heterogeneity. Based on the potential that goats could remove conifer species and hardwoods while eating invasive species and competing vegetation (not meeting the purpose and need) this method was eliminated from detailed study in this analysis

Biological control of invasive plants: The goal of a biological control program is not to eradicate the target plant. Biological control can reduce densities and subsequent damage by invasive plants as part of an Integrated Pest Management program. While biological control may reduce spread because of reduced seed production, they do not contain invasive plants. The El Dorado County Agricultural Commissioner has an active Biological Control program for yellow starthistle in El Dorado County. Six species have been released into El Dorado County, five of which are routinely found in county traps. Many of these insects are thought to be established on the ENF, although trapping in not routinely done in that vicinity. This method was considered but dropped from detailed analysis because this method would not meet the project purpose and need to contain and control yellow starthistle and eliminate tall whitetop in the project area.

Prescribed Fire: The use of prescribed fire was suggested as a means of controlling yellow starthistle. Areas outside of the ENF have been burned for yellow starthistle control. The time of year the burn would take place (late June to early July), following seed dispersal and senescence

of desirable grasses and forbs but prior to viable starthistle seed production, would be well after the start of fire season on the ENF, which is generally between May 1st and June 1st. Because of the summer timing requirement, prescribed burning is perhaps the riskiest option for yellow starthistle management. Any escaped fire would be difficult to control in this area due to slopes, resulting in a high likelihood of conifer seedling mortality. In addition, with a major interstate at the bottom of the canyon it is highly unlikely that broadcast burning would be used. Broadcast burning would put large volume of smoke on the highway, threatening public safety. The mitigation for this would be to close the highway for the burning. This method was considered but dropped from detailed analysis because it could lead to high mortality of conifers and would not meet the project purpose and need to reestablish a forested landscape.

Mulching/covers: The use of mulch collars/mats around the trees can be effective on grasses and forbs, but are expensive to install and maintain. They have not proven to be effective on the species and size of vegetation (woody brush) most common in these units. This method was considered but dropped from detailed analysis because mulch collars/mats have not proven to be effective on the woody brush most common in these units, not meeting the project purpose and need to reestablish a forested landscape.

Mowing/Mechanical removal: Mowing as an invasive plant and conifer release tool is hampered by terrain limitations. Rocks, logs, and other native materials scattered through the treatment areas create additional difficulties for mowing. Mechanical removal involving mastication or uprooting is not feasible where seedlings are planted as seedlings would be difficult to see and suffer a high degree of mechanical damage/death. Most of the species in the project area would readily resprout if mown and live vegetation were left above ground, allowing these plants to continue to compete for moisture with conifer seedlings. These treatments were eliminated from detailed study in this analysis because they could not be fully implemented, and would cause high mortality to conifer seedlings, not meeting the project purpose and need to reestablish a forested landscape.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Eldorado National Forest Land Management Plan. The Forest Plan, as amended, provides direction for restoration of species composition and structure following large scale, stand-replacing disturbance events, at a pace faster than natural succession, to accelerate the development of key habitat and old forest characteristics. As described above, my decision is consistent with, and conforms to, the applicable Management Direction from the current Forest Plan, as amended.

Clean Air Act

The Clean Air Act makes it the primary responsibility of state and local governments to prevent air pollution and control air pollution at its source. States must have a plan that provides for implementation, maintenance, and enforcement of the primary ambient air quality standard. The State of California has a plan. This project meets the Clean Air Act.

Clean Water Act

Federal agencies are required by the Clean Water Act to cooperate with State agencies in preventing, reducing, and eliminating pollution in concert with programs for managing water

resources. This project meets these objectives through the incorporation of Best Management Practices (FEIS pages 29-32, 35-36, and Appendix C). All necessary regulatory requirements will be met prior to implementation of the project. This project meets the Clean Water Act.

National Environmental Policy Act

The NEPA requires that Federal agencies complete detailed statements on proposed actions that may significantly affect the quality of the human environment. The Act's requirement to prepare an environmental impact statement is designed to provide decision makers with a detailed accounting of the likely environmental effects of a proposed action prior to adoption, and to inform the public of, and allow comment on, such effects. The FEIS does a comprehensive job of analyzing the alternatives and displaying the alternatives and displaying the environmental effects. The procedural requirements of NEPA have been followed.

National Forest Management Act

Projects occurring on National Forest System lands must meet minimum specific management requirements under 36 CFR 219.27 (1982). This project and the FEIS address each as follows:

- The alternatives discussed in the FEIS meet all of the resource protection requirements of the CFRs.
- This project is consistent with the requirements for riparian areas.
- This project meets the requirements for soil and water.
- Biological Evaluations (BE) were prepared for Forest Service sensitive aquatic wildlife, terrestrial wildlife, and botanical species. The wildlife BEs concluded that the Freds Fire Reforestation Project **may affect individuals, but is not likely to result in a trend toward Federal Listing or loss of viability** for the California spotted owl, Western pond turtle, Foothill yellow-legged frog, Pallid bat, Western red bat, and Townsend's big-eared bat. The Freds Fire Reforestation Project will **not affect** the California red-legged frog, Sierra Nevada yellow-legged frog, Yosemite toad, Winter run Chinook salmon, Central valley steelhead, Central valley spring run Chinook salmon, Northern leopard frog, Lahontan cutthroat trout, Hardhead, delta smelt, American peregrine falcon, Great gray owl, Northern goshawk, Willow flycatcher, Pacific fisher, American marten, Sierra Nevada red fox, American bald eagle, California wolverine, and Valley elderberry longhorn beetle. The sensitive plant BE concluded that the Freds Fire Reforestation Project **may affect individuals, but is not likely to result in a trend toward Federal Listing or loss of viability for** the sensitive plants Calochortus clavatus var. avius and Lewisia kelloggii ssp. Kelloggii. The Freds Fire Reforestation project will **not affect** Senecio layneae, Allium tribracteatum, Arctostaphylos nissenana, Balsamorhiza macrolepis var. macrolepis, Botrychium spp., Bruchia bolanderi, Cypripedium montanum, Draba asterophora var. asterophora, Draba asterophora var. macrocarpa, Epilobium howellii, Eriogonum tripodium, Helodium blandowii, Horkelia parryi, Hydrotheria venosa, Lewisia longipetala, Lewisia serrata, Lomatium stebbinsii, Meesia spp., Navarretia prolifera ssp. lutea, and Phacelia stebbinsii.

Endangered Species Act

No threatened, endangered or proposed species occur within the project area and the project is expected to have no effect on threatened, endangered or proposed species outside of the project area. Formal consultation with the USFWS was therefore unnecessary.

National Historic Preservation Act

Protection of cultural resource sites will comply with the Programmatic Agreement among the USDA Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Office Regarding the Identification, Evaluation and Treatment of Historic Properties Managed by the National Forest of the Sierra Nevada, California dated 1996 (PA).

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215.The appeal must be filed (regular mail, fax, email, hand-delivery) with the Appeal Deciding Officer at: Randy Moore, Regional Forester, USDA Forest Service, Regional Office R5, 1323 Club Drive Vallejo, CA 94592, fax: (707) 562-9229.

The office business hours for those submitting hand-delivered appeals are: 8:00 to 4:00, Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals-pacificsouthwest-regional-office@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Mountain Democrat, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Mountain Democrat newspaper of record is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

IMPLEMENTATION DATE

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.